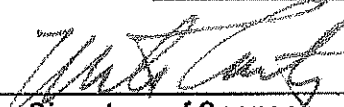


Amendment No. _____



Signature of Sponsor

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 802*

House Bill No. 1173

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-24-105(b)(3)(A), is amended by deleting the subdivision and substituting instead the following:

A person who is unable to pay any portion of assessed litigation taxes, court costs, and fines may apply to the court having original jurisdiction over the offense for an order staying the revocation of the license issued under title 55. An order to stay the revocation of the license shall be granted if the court finds that the person would experience hardship from the revocation of the license and that other means of transportation are not readily available to the person. Grounds for finding of hardship are limited to travel necessary for:

- (i) Employment;
- (ii) School;
- (iii) Religious worship;
- (iv) Serious illness of the person or an immediate family member; or
- (v) Other reasons or destinations as determined by the court.

SECTION 2. Tennessee Code Annotated, Section 40-24-105(b)(4), is amended by deleting the subdivision and substituting instead the following:

(A) A person who is unable to pay all of the assessed litigation taxes, court costs, and fines but is able to pay some of them may apply to the court having original jurisdiction over the offense for an order setting up a payment plan for such taxes, costs, and fines. If the person and court agree to such a payment plan, the court shall so order and such order shall have the effect of staying the revocation of the license pursuant to



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this subsection (b). The order staying the revocation of license shall remain in effect for as long as the person is current and in compliance with the payment plan. If the person fails to make payments according to the plan for three (3) consecutive months without good cause, the court may revoke the order and notify the clerk. The court clerk shall promptly notify the commissioner of safety of the issuance or termination of any stay of revocation. The commissioner of safety shall not revoke pursuant to this subsection (b) while the stay is in effect.

(B) In addition to the ability to apply for the approval of a payment plan as provided in subdivision (b)(4)(A), a person who is indigent, as defined in § 40-14-201, may also apply for the waiver of any outstanding court costs and fines. A person who is indigent may apply for the waiver of outstanding court costs and fines prior to or after the revocation of license. An application for such a waiver must include:

(i) A signed affidavit of indigency; and

(ii) Payment of a fee of up to fifty dollars (\$50.00), subject to the discretion of the court after consideration of the person's ability to pay.

(C) After consideration of the affidavit of indigency and the payment of any fee that may be required under this subdivision (b)(4), the court may waive any outstanding court costs and fines.

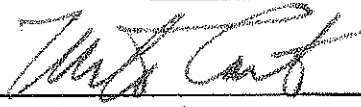
SECTION 3. Tennessee Code Annotated, Section 40-24-105, is amended by adding the following as a new subsection (h):

Notwithstanding this section to the contrary, if a person has a license revoked pursuant to this section, the person may apply to the trial court having original jurisdiction over the offense for a restricted driver license. The court is vested with the authority and discretion to order the issuance of a restricted driver license for the purposes specified in subdivision (b)(3)(A). The order shall state with all practicable specificity the necessary times and places of permissible operation of a motor vehicle. The person may obtain a certified copy of the order and within ten (10) days after issuance present the order, together with an application fee of sixty-five dollars (\$65.00),

to the department of safety, which shall issue a restricted license embodying the limitations imposed in the order. After proper application and until the restricted license is issued, a certified copy of the order may serve in lieu of a driver license. Any restricted license issued under this section shall be valid for a period not to exceed one (1) year. A restricted license issued under this section may be renewed; provided, that each renewal shall be valid for a period not to exceed one (1) year.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 887

House Bill No. 862*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, is amended by adding the following language as a new part:

37-1-901. This part shall be known and may be cited as the "Tennessee Zero to Three Court Initiative."

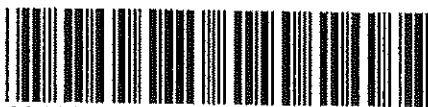
37-1-902.

(a) The general assembly recognizes that a critical need exists in this state for child and family programs to reduce the incidence of child abuse, neglect, and endangerment, minimize the effects of childhood trauma on small children, and provide stability to parents and children within the state. It is the intent of the general assembly by this part to create an initiative to facilitate the implementation of new and the continuation of existing zero to three court programs.

(b) The goals of the zero to three court programs created under this part include the following:

(1) To reduce time to permanency of children thirty-six (36) months of age or younger by surrounding at risk families with support services;

(2) To reduce incidences of repeat maltreatment among children thirty-six (36) months of age or younger;



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(3) To reduce the long-term and short-term effects of traumatic experiences occurring when a child is thirty-six (36) months of age or younger on a child's brain development;

(4) To promote public safety through these reductions;

(5) To increase the personal, familial, and societal accountability of families; and

(6) To promote effective interaction and the use of resources among both public and private state and local child and family service agencies, state and local mental health agencies, and community agencies.

(c) As used in this part, "zero to three court program" means any zero to three court program created within the state that seeks to accomplish the goals stated in subsection (b) and that is established by a judge with jurisdiction over juvenile court matters. A zero to three court program shall have the same powers as the court that created it.

37-1-903.

(a) On January 1, 2018, there are created and established five (5) zero to three court programs throughout this state. These courts shall be in addition to any zero to three court programs already established in the state.

(b) The department of children's services, in consultation with the administrative office of the courts and the council of juvenile and family court judges, shall determine the location of each program. The department of children's services shall establish at least one (1) program within each of the three (3) grand divisions and shall seek to serve both rural and urban populations.

(c) The department of children's services, in consultation with the administrative office of the courts and the department of mental health and substance abuse services, shall administer the zero to three court programs by:

(1) Defining, developing, and gathering outcome measures for zero to three court programs relating to the goals stated in § 37-1-902;

(2) Collecting, reporting, and disseminating zero to three court program data, including an annual report to be submitted by February 1, 2019, and each following February 1, to the civil justice committee of the house of representatives and the judiciary committee of the senate. The annual report shall summarize the results of the programs' operation during the previous calendar year, including data on outcomes achieved in zero to three courts compared to the outcomes achieved by other courts exercising similar jurisdiction, and any cost savings associated with the achievement of the goals stated in § 37-1-902;

(3) Sponsoring and coordinating state zero to three court training for the juvenile court judges and staff who will administer the programs; and

(4) Developing standards of operation for zero to three court programs.

37-1-904. Nothing contained in this part shall confer a right or an expectation of a right of participation in a zero to three court program to a person within the juvenile court system.

37-1-905. Nothing in this part shall be construed to limit the ability of any jurisdiction to create and maintain a zero to three court program that strives to accomplish the goals set forth in § 37-1-902.

SECTION 2. This act shall take effect January 1, 2018, the public welfare requiring it, and shall cease to be effective January 1, 2022.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 644*

House Bill No. 813

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-33-216, is amended by adding the following new subdivisions:

- (7) The total number of cases which resulted in a default by the property owner;
 - (8) The total amount of currency forfeited as a result of default;
 - (9) The total number of cases which resulted in a settlement;
 - (10) The total amount of currency forfeited as a result of settlement;
 - (11) The total amount of currency returned to the property owners as a result of settlement;
 - (12) The total number of cases resulting in a hearing;
 - (13) The total number of hearings resulting in forfeiture of assets;
 - (14) The total amount of currency forfeited as a result of disposition by hearing;
- and
- (15) The total amount of currency returned to the property owners as a result of a disposition by hearing.

SECTION 2. Tennessee Code Annotated, Section 40-33-216, is further amended by redesignating the current language as subsection (a) and adding the following language as subsection (b):

- (b) The department shall include each category of information for the department as a whole and separately for each individual law enforcement agency that opened a forfeiture proceeding with the department in the previous calendar year.



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SECTION 3. For the purposes of promulgating rules, policies, forms, and procedures and making necessary provisions for the implementation of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017, the public welfare requiring it.

House Civil Justice Subcommittee Am. #2

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 644*

House Bill No. 813

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 40-33-204, is amended by deleting subdivision (c)(3) and adding the following to the end of subsection (a):

The judge shall serve in the county where the seizure occurred. Magistrates and judicial commissioners shall not issue forfeiture warrants.

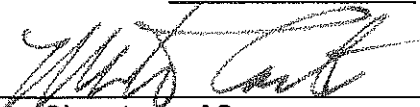


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Amendment No. _____


Signature of Sponsor

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Time _____

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Comm. Amdt. _____

AMEND Senate Bill No. 844

House Bill No. 919*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-1-111, is amended by adding the following as a new subsection:

(h)

(1) In any county having a population of not less than four hundred thirty-two thousand two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal census, there is created the position of domestic abuse magistrate.

(2) Notwithstanding any other law to the contrary, the domestic abuse magistrate created by this subsection (h) shall be appointed by the judge of the fourth circuit court of any such county and shall hold office for a term of eight (8) years from the date of appointment. The magistrate shall be eligible for reappointment to successive eight-year terms and shall be compensated from the general fund of the county in an amount to be determined by the county legislative body. Upon making a selection, the judge shall reduce the appointment to writing and file it with the fourth circuit court clerk of any county to which this subsection (h) applies. The domestic abuse magistrate, once appointed, shall regularly perform the duties set out in this subsection (h) within the approximate time period that the fourth circuit court begins and ends its daily docket, and the magistrate shall be styled as magistrate judge.



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(3) To qualify for the position of domestic abuse magistrate, the applicant must:

- (A) Be at least thirty (30) years of age;
- (B) Be a resident of the county funding the position;
- (C) Be an attorney, licensed to practice law in the courts of the state of Tennessee; and
- (D) Have served as a judicial commissioner or magistrate pursuant to subsection (a) for at least a full four-year term prior to application.

(4) No person who is a judicial commissioner under subsection (a) or a magistrate under subsection (g) prior to the appointment of the domestic abuse magistrate may simultaneously hold that position and the position of domestic abuse magistrate under this subsection (h).

(5) For purposes of:

(A) Title 36, chapter 3, part 6, the domestic abuse magistrate shall be considered a "court" as defined in § 36-3-601(3)(A) and (D), and shall have all jurisdiction and authority necessary to serve in that function for the employing county; and

(B) Title 40, chapter 5, part 1, the domestic abuse magistrate shall be considered a "magistrate" as defined in § 40-5-102, and shall have all of the jurisdiction and authority necessary to serve in that function for the employing county, and the domestic abuse magistrate shall complete the judicial continuing education requirements of subsection (f) in the same manner as a judicial commissioner.

(6) The domestic abuse magistrate shall have, regardless of whether the case involves alleged domestic abuse, the following duties pursuant to this

chapter, the Tennessee Rules of Civil Procedure, the Tennessee Rules of Criminal Procedure, and applicable statutes:

- (A) Those conferred upon a court by title 36, chapter 3, part 6;
- (B) Issuing or denying temporary or ex-parte orders of protection;
- (C) Setting and approving bond in cases of civil and criminal contempt for alleged violations of orders of protection;
- (D) Issuing injunctions and other appropriate orders in cases of alleged domestic violence;
- (E) Setting and approving of bonds and release on recognizance of defendants in accordance with applicable law;
- (F) Issuing mittimus in compliance with § 40-5-103;
- (G) Issuing criminal arrest warrants, criminal summons, and search warrants upon a finding of probable cause;
- (H) Appointing attorneys for indigent defendants and respondents in accordance with applicable law;
- (I) Conducting initial appearances in accordance with Rule 5 of the Tennessee Rules of Criminal Procedure;
- (J) Setting and approving bond for probation violation warrants;
- (K) Issuing attachments, capias, or conditional bond forfeitures;
- (L) Conducting compliance review dockets to examine and report to the appropriate judge any findings and conclusions regarding compliance with court orders;
- (M) Conducting initial appearances for any defendant following arrest for a crime involving domestic abuse when conducted pursuant to the requirements imposed by § 36-3-602(c); and
- (N) Any other judicial duty not prohibited by the constitution, statute, or applicable rules, when requested by a judge.

(7) If the domestic abuse magistrate is carrying out one (1) of the duties of the office under this subsection (h), the failure to appear before the magistrate constitutes failure to appear and shall subject the defendant or respondent to arrest and forfeiture of bond.

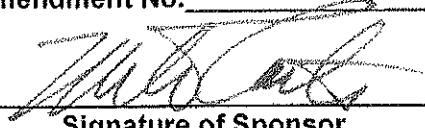
(8) If the appointed domestic abuse magistrate is absent or unavailable for any reason, the magistrate has the authority to appoint special, substitute, or temporary magistrates to carry out the duties of this section. A substitute magistrate shall be an attorney, licensed to practice law in the courts of this state, a resident of the county of the appointing domestic abuse magistrate, and not less than thirty (30) years of age. An order of appointment for a special, substitute, or temporary magistrate shall be for a fixed period of time and shall be reduced to writing and filed with the fourth circuit court clerk.

(9) The domestic abuse magistrate may also accept appointment by the judge of the fourth circuit court to serve as a special master to the fourth circuit court for any purpose established by the judge. The appointment may be made by the judge at the same time as the appointment to the position of domestic abuse magistrate, or at any time during the magistrate's term.

SECTION 2. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1077

House Bill No. 995*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1311, is amended by adding the following new subdivision (b)(1)(H)(iii):

(iii) For purposes of subdivision (b)(1)(H)(ii)(a) and (c), property described in subdivision (b)(1)(H)(i) is "in use" only when one (1) or more students are physically present on the property for an activity a reasonable person knows or should know is a school-sanctioned athletic event, or other school event or school-related activity.

Property listed in subdivision (b)(1)(H)(i) is not in use solely because equipment, materials, supplies, or other property owned or used by a school is stored, maintained, or permitted to remain on the property;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 1340

House Bill No. 1221*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1350(d), is amended by adding the following as a new subdivision (4):

(A) For purposes of this section, "law enforcement officer" also means a person who has successfully completed firearms training in accordance with POST certification, which shall include, at a minimum, forty (40) hours initial training and eight (8) hours annual in-service training in firearms qualification administered by a POST-certified firearms training program and is:

- (i) An elected district attorney general;
- (ii) A full-time assistant district attorney general who has been authorized pursuant to subdivision (d)(4)(B);
- (iii) The executive director or deputy director of the district attorneys general conference; or
- (iv) A full-time, pro-tem prosecutor employed by the district attorneys general conference.

(B) Each elected district attorney general, at such district attorney general's discretion, is authorized to determine if any assistant district attorney general in the district attorney general's office or judicial district is authorized to carry a firearm pursuant to this section.

(C) The district attorneys general conference shall develop a uniform identification system clearly identifying that a person described in subdivision (d)(4)(A) is



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qualified under this section to carry a firearm at all times. Persons authorized by this subdivision (d)(4) to carry a firearm under this section shall carry this identification at all times the person is carrying a firearm.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1184

House Bill No. 1167*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-17-102(2)(E), is amended by deleting the subdivision and substituting instead the following:

(E) The acquisition of property by a county, city, or town for an industrial park, as authorized by title 13, chapter 16, part 2; provided, that the county, city, or town shall maintain ownership of the property acquired for no less than ten (10) years, at which point the property may be sold to a private party pursuant to a payment in lieu of tax (PILOT) agreement.

SECTION 2. Tennessee Code Annotated, Section 13-16-203(1), is amended by deleting the following language:

Acquire land and rights and easements therein by gift, purchase, or eminent domain, and develop the land into industrial parks within or without the municipality or partially within and partially without the municipality, and maintain and operate such industrial parks; provided, that the power of eminent domain shall not be extended to or exercised with respect to property owned or held by a corporation which is subject to regulation by the Tennessee regulatory authority

and substituting instead the following:

Acquire land and rights and easements therein by gift, purchase, or eminent domain, and develop the land into industrial parks within or without the municipality or partially within and partially without the municipality, and maintain and operate such industrial parks; provided, that the power of eminent domain shall be exercised only for



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public use, as defined in § 29-17-102, and shall not be extended to or exercised with respect to property owned or held by a corporation which is subject to regulation by the Tennessee regulatory authority

SECTION 3. Tennessee Code Annotated, Section 29-17-106(b), is amended by deleting the following language:

Notwithstanding any law to the contrary, in any condemnation proceeding initiated in this state,

and substituting instead the language:

Notwithstanding any law to the contrary, in any condemnation proceeding initiated in this state in which interest in the property is necessary for a road, highway, bridge, or other structure, facility, or project used for public transportation,

SECTION 4. Tennessee Code Annotated, Section 29-17-106(b), is further amended by redesignating the current subsection as subdivision (b)(1) and adding the following new subdivision:

(2) Notwithstanding any law to the contrary, in any condemnation proceeding initiated in this state in which interest in the property is not necessary for a road, highway, bridge, or other structure, facility, or project used for public transportation, the court shall award the respondents a sum that will reimburse them for their reasonable disbursements and expenses, including reasonable attorney, appraisal, and engineering fees actually incurred because of the action. The court shall not award reasonable attorney fees if the costs are taxed to the condemner pursuant to subdivision (a)(1)(A).

SECTION 5. Tennessee Code Annotated, Section 29-17-912(b), is amended by deleting the language "to acquire real property" and substituting instead the language:

to acquire real property that is necessary for a road, highway, bridge, or other structure, facility, or project used for public transportation

SECTION 6. Tennessee Code Annotated, Section 29-17-912(b), is further amended by redesignating the subsection as subdivision (b)(1) and adding the following subdivision:

(2) Notwithstanding subsection (a), the state court having jurisdiction of a proceeding initiated by any person, agency, or other entity to acquire real property, which is not necessary for a road, highway, bridge, or other structure, facility, or project used for public transportation, by condemnation shall tax the bill of costs prepared by the clerk against the condemner and shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for the owner's reasonable disbursements and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of condemnation proceedings; provided, that reasonable attorney fees shall be awarded only if:

(A) The final judgment is that the acquiring party cannot acquire the real property by condemnation; or

(B) The proceeding is abandoned by the acquiring party.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to takings or condemnation actions initiated on or after such date.